

Remarks

08.16.06 Phone Interview

The applicant thanks the examiner for the phone interview held on 08.16.06 between the examiner and the applicant's representative. During the interview, the participants discussed Smith, Jr. USPN 4,713,859, including the valve assembly 18, the drain spigot 22 of the assembly 18, and the substantially normally disposed handle member 98 of the assembly 18. (See, e.g., Smith, Figs. 5-7, and the corresponding text in the "Description" (e.g., col. 5, lines 9-14 and lines 25-35).)

The participants also discussed: (1) the details of an exemplary, commercially-available "spigot" (i.e., valve assembly) described in the application as filed (see Page 12, lines 6-8), and shown in a photograph faxed to the examiner prior to the phone interview – a valve assembly that includes a first piece somewhat similar to the Smith valve body 92, and a second piece somewhat similar to the Smith drain spigot 22 (the second piece including a tab, or "handle," for rotating/turning the second piece); (2) how the applicant's element "22" (see, e.g., Fig. 1) is not a "spigot handle" in the sense that Smith's handle member 98 may be thought of as a spigot handle; and (3) the fact that the applicant's element "22" is an extension arm connected to the "spigot" (i.e., valve assembly), with the extension arm offering several benefits to an operator – for example, the ability to adjust the flow rate of a liquid (e.g., a wax- or cleaning-solution) from the wheeled receptacle onto a floor, while simultaneously steering/moving the wheeled receptacle across that floor – something that would be extremely difficult, if not impossible, to do using the tab or "handle" that is a part of a conventional spigot/valve assembly (e.g., Smith's substantially normally disposed handle member 98).

In addition, the participants discussed amendments to claims 1 and 19 that, if made, would enable these claims to patentably distinguish over the Smith patent.

Claim Amendments and New Claims

As seen in the Listing of Claims section above, the applicant has amended claims 1 and 19 as discussed during the 08.16.06 interview; and therefore, these claims patentably distinguish over the Smith patent. In addition, the applicant: has amended claim 2 to correct a typographical error; has amended claims 3 and 28 in order to make the language of these claims consistent with that of claims 1 and 19; and has added claims 46-48.

The amendments and new claims are fully supported by the application as filed, and no new matter has been added. For example, support for claims 46-48 may be found in paragraphs 33 and 34 and in Figs. 1 and 3.

Allowable Subject Matter

The applicant renews his thanks to the examiner for the examiner's recognition of the allowability of claims 27 and 40.

Section 102 Rejection

The examiner rejected claims 1-5, 19, 44, and 45 based on Smith, Jr. USPN 4,713,859.

The applicant asks the examiner to withdraw the rejection of claims 1-5, 19, and 44 for at least the following reasons. Smith, taken either alone or in combination with any of the references of record, fails to disclose or suggest the invention called for in claims 1 and 19, as presented above. Claims 2-5 and 44 include all of the elements called for in claim 1.

The applicant asks the examiner to withdraw the rejection of claim 45 because this claim has been canceled.

Section 103 Rejections

The examiner rejected claims 6, 7, 22-26, 28-30, 35-39, and 41-43 based on Smith in view of Williams USPN 4,545,531.

In providing his reasoning for this rejection, the examiner stated “Smith, Jr. has taught all the features of the claimed invention except that the wheeled receptacle has a width indicator. Williams shows a wheeled receptacle (10) having a width indicator for comparing the width of the liquid on the surface (col. 3, ll. 3-20).” The examiner went on to state “[i]t would have been obvious . . . to modify the wheeled receptacle of Smith, Jr. by providing Smith’s width indicator (24,26) onto the wheeled receptacle of Smith, Jr., in order to allow pre-adjustment of the product’s width, as taught by Williams in (col. 3, ll. 3-20).” (See page 3, paragraph 4 of the 02.16.06 office action. Emphasis added.)

As a preliminary matter, and as acknowledged by the examiner, Smith does not have a width indicator (24, 26). In an effort to facilitate prosecution, however, the applicant has proceeded under the presumption that the examiner meant to state “by providing Williams’ width indicator (24,26) . . .” (emphasis added). In order to clarify the record, the applicant asks the examiner to confirm – in the next office action – that this is what the examiner meant to state in the 02.16.06 office action.

The applicant asks the examiner to withdraw the rejection of claims 6, 7, 22-26, 28-30 for at least the following reasons. Smith, taken alone or in combination with Williams or any of the other references of record, fails to disclose or suggest the invention called for in claims 1 and 19, as presented above. Claims 6 and 7 include all of the elements called for in claim 1. And claims 22-26, and 28-30 include all of the elements called for in claim 19.

The applicant asks the examiner to withdraw the rejection of claims 35-39, and 41-43 for at least the following reasons.

The Williams patent is directed to non-analogous art; and therefore, one of ordinary skill would not have considered the Williams patent. In further detail, the claimed invention is directed, in relevant part, to a wheeled receptacle for applying a liquid through a spigot onto a surface. (See, e.g., independent claim 35.) In sharp contrast, Williams is directed to a striping and marking device in which aerosolized paint is sprayed from an aerosol spray paint can onto items such as curbs, playground activity areas, athletic fields, and the like. (See, e.g., the abstract, and col. 1, lines 5-13.) This reason, alone, is sufficient for withdrawing the rejection of claims 35-39, and 41-43.

For the sake of argument, however, even if one of ordinary skill were forced to consider the Williams patent, it would not have been obvious to modify Smith's portable cleaning station 10 so as to include Williams' axles 24, 26. For example, Smith is directed to a portable cleaning station 10 having a drain opening 16 and valve assembly 18 through which a cleaning solution may be discharged from the bucket assembly 14 to a selected disposal receptacle 21, i.e., a floor drain. (See, e.g., col. 2, lines 49-66, and Fig. 2.) Smith is not directed to, nor concerned with, the width of a liquid being drained from the portable cleaning station 10 into a disposal receptacle 21. For this reason alone, one of ordinary skill simply would have had no motivation to put any width indicator(s) on the portable cleaning station 10, let alone to use the particular axles 24, 26 shown in the Williams patent. Furthermore, Smith neither discloses nor suggests the ancillary structure that would be required to support Williams' axles 24, 26.

If, despite the arguments presented above, the examiner again rejects claims 35-39, and 41-43 based on Smith in view of Williams, the applicant urges the examiner to please

provide a written rebuttal that fully addresses each of the arguments presented in the preceding two paragraphs, as called for by the MPEP. Prior office actions have omitted such a rebuttal, making it impossible for the applicant to understand and assess the examiner's position on these points.

Conclusion

Given the amendments and remarks presented above, all of the pending claims (claims 1-44 and 46-48) are in condition for allowance; and the applicant asks the examiner for a notice to that effect. If any outstanding issues remain, the applicant asks the examiner to call the applicants' representative at the number listed below, so that any such issues may be swiftly resolved.

Respectfully submitted,


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